

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	4:02CR3158-2
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
ALI ABDUL-AZEZ SOFYAN,)	
)	
Defendant.)	

While I have reservations about whether the defendant has made the required “substantial threshold showing” necessary to require an evidentiary hearing, and while I decline to answer that question now, I believe that a response and a brief from the government would be helpful at this stage of the proceedings. Therefore,

IT IS ORDERED that:

1. The government is requested to submit a response to the statement of the defendant regarding threshold showing in support of motion to compel the filing of a motion to reduce sentence (filing 142) admitting, denying, clarifying or supplementing the recitation of facts set forth in the defendant’s statement (filing 142). It would be preferable if the government’s response was in the form of an affidavit sworn to under penalty of perjury, but it may be made on information and belief.
2. The government is requested to submit a separate brief discussing whether a substantial threshold showing has been made by the defendant sufficient to require an evidentiary hearing.
3. The response and brief requested above should be submitted on or before the close of business on Tuesday, July 18, 2005.

4. My office shall calendar this matter and bring it to my attention on July 19, 2005.

July 5, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge